IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6118 OF 2005

Bhiku Shripati Thopate & anr. ..Petitioners.

Vs.

The District Rehabilitation Officer, Satara & Ors. ..Respondents.

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Mr. P.J. Shinde for the Petitioners.

Mrs. M.P. Thakur, Assistant Government Pleader for the Respondents.

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CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

20th April, 2006.

P.C. :

The grievance of the Petitioner in the challenge to acquisition is that though the Sub-Divisional Officer as well as the District Resettlement Officer in the report under Section 5-A of the Land Acquisition Act, 1894 recommended that the lands be deleted from acquisition since the holding is less than the slab, the report has not been considered by the Commissioner. Having regard to this submission, it would be appropriate if the Commissioner is directed to reconsider the issue after furnishing to the Petitioner an opportunity of being heard. The Commissioner shall do so within a period of three months. It would be open to the Commissioner to

cause a fresh survey to be made for the purpose of determining the area under the residential house and cattle shed which may be required to be excluded. Until the Commissioner arrives at any final decision in the matter, status quo in regard to possession shall be maintained. In the event that the Commissioner comes to the conclusion that the lands of the Petitioner are required to be acquired, the Petitioner will be at liberty to offer alternative lands for acquisition. In the event this is done, the competent authority shall consider the request in accordance with law. The Petition is accordingly disposed of.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)